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FINAL STATEMENT OF REASONS

CALIFORNIA CODE OF REGULATIONS

Title 8: Division 1, Chapter 4, Subchapter 15, Article 2,
Section 6755 and Article 8, New Section 6799.1 of the Petroleum Safety Orders

Chain or Wire Rope Access Equipment (Jacob's Ladders)

MODIFICATIONS AND RESPONSE TO COMMENTS RESULTING FROM THE 45-DAY PUBLIC COMMENT PERIOD

There are no modifications to the information contained in the Initial Statement of Reasons.

SUMMARY AND RESPONSE TO ORAL AND WRITTEN COMMENTS

I. Written Comments

Mr. Van A. Howell, CSP, Area Director, U.S. Department of Labor, Occupational Safety and Health Administration, by letter dated March 4, 2010.

Comment:

Mr. Howell stated that Federal OSHA has reviewed the proposal and found it to be commensurate with federal protections.

Response:

The Board thanks Mr. Howell for his comment and participation in the Board's rulemaking process.

II. Oral Comments

Oral comments received at the April 21, 2011, Public Hearing in Sacramento, California.

Mr. Jack Kastorff, Board Member

Comment:

Mr. Kastorff asked whether the intent of subsection (c)(1) is to preclude any potential for repair of equipment that should fail the annual load testing.

Response:

The intent of subsection (c)(1) is to not allow the use or repair of the ladder in the event the ladder fails the load test. The manufacturer would be the only entity that is competent to repair this type of specialty ladder, and such repair would require a complete teardown and rebuild. The Board believes it would be cost-effective and more conducive of employee safety to replace the ladder rather than undertake such extensive repairs.

Mr. John MacLeod, Board Chair

Comment:

Chair MacLeod stated that the provision referred to by Mr. Kastorff comes under the inspection and load testing requirement, but there is room for maintenance, since there are instructions further on in the proposal regarding a maintenance log and instructions.

Response:

The annual load testing is conducted by a competent person and tests the ladder with a static load in accordance with the standard. Any failure or defects noted during the annual test will result in the permanent removal of the ladder from service. The visual inspection is accomplished by a competent person before each use of the ladder, and a maintenance log is to be kept. Chair MacLeod is correct that there is room for maintenance to address issues other than annual load test failure.

Mr. Willie Washington, Board Member

Comment:

Mr. Washington asked whether the visual inspection required in subsection (c)(2) is a one-time visual inspection performed by the employer at the time of installation, as opposed to having the ladder visually inspected each time it is used by the employee. He then asked how the equipment would be secured at the bottom as required in subsection (e)(2)(B) in such a manner as to reduce the risk of explosion from welding.

Response:

The visual inspection requirement of subsection (c)(2) is to be performed by a competent person prior to each use to assure the ladder will be safe for its intended use. Regarding Mr. Washington's second comment, this ladder is intended for temporary access and is not a permanent installation requiring fixed anchorage as it is removed after each use. The intent is to ensure the ladder is secured at both ends to steady it during use. Examples of anchorages would include shackling, chain falls (portable winch) and the use of slings or wire rope to secure the bottom of the ladder to any internal piece of the vessel. Welding is not involved in securing the ladder.

ADDITIONAL DOCUMENTS RELIED UPON

None.

ADDITIONAL DOCUMENTS INCORPORATED BY REFERENCE

None.

DETERMINATION OF MANDATE

These standards do not impose a mandate on local agencies or school districts as indicated in the Initial Statement of Reasons.

ALTERNATIVES CONSIDERED

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed standards. No alternative considered by the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the adopted action.